

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6703**

**BILL NUMBER:** SB 350

**NOTE PREPARED:** Dec 30, 2009

**BILL AMENDED:**

**SUBJECT:** Safety Equipment on Funeral Escort and Other Vehicles.

**FIRST AUTHOR:** Sen. Waltz

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill specifies the equipment that may be displayed on a funeral escort vehicle.

It makes it a Class C misdemeanor to operate a funeral escort vehicle that does not bear certain markings or that is marked with certain other markings. It also makes it a Class C misdemeanor to use the flashing red or amber lights and siren, whistle, or bell allowed on a funeral escort vehicle when the funeral escort vehicle is not being operated in a funeral procession.

The bill makes it a Class C misdemeanor for a person to drive, park, or move a vehicle or equipment on a highway while the vehicle or equipment is equipped with a: (1) red, red and white, or red and blue lens; (2) red, red and white, or red and blue reflector; (3) lamp or other device that is capable of displaying a red, red and white, or red and blue light visible from directly in front of the center of the vehicle or equipment; or (4) light visible from the front of the vehicle or equipment that is other than amber or white.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** There are no data to indicate how many offenders may be subject to Class C misdemeanors instead of Class C infractions for knowingly or intentionally violating sections concerning vehicle equipment and funeral processions.

This bill potentially increases revenue to the Common School Fund, but could reduce revenue that is deposited in the state General Fund. This is because fines from misdemeanors are deposited in the Common

School Fund, while infraction judgements are deposited in the state General Fund. Currently, the maximum judgment for a Class C infraction is \$500, which is deposited into the state General Fund, while the maximum fine for a Class C misdemeanor is \$500, which is deposited into the Common School Fund.

Besides the issuance of fines, the sentencing court may assess a criminal costs fee if a guilty verdict is entered. The court fee for an infraction is \$70, while the court fee for a misdemeanor is \$120. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost of housing an offender in jail is reported to be \$44. There is no term of imprisonment for an infraction.

**Explanation of Local Revenues:** Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. Twenty-seven percent of criminal costs fees that are collected are deposited in the county general fund when a guilty verdict is entered for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. From city and town courts, the county general fund receives 20% of the criminal costs fee while the city or town general fund receives 25%. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association.

**Fiscal Analyst:** Karen Firestone, 317-234-2106.